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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,054	05/22/2006	Jing Tao	CN030026	3524

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EXAMINER

NGUYEN, LINH THI

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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02/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/580,054	TAO ET AL.	
	Examiner	Art Unit	
	LINH T. NGUYEN	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 and 11 recites the limitation "the variation", "the optical disc-writing", "the mark runlengths", "the modulation", "the writing parameters", and "the value" in lines 4, 5 and 6 of claims 9 and 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 12-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagawa (EP Patent Number 557584) in view of Applicant Admitted Prior Art (AAPA).

In regards to claims 1 and 3, Yanagawa discloses an optical disc-writing parameters optimizing system and method, comprising: an acquiring device for acquiring the variation amounts of the mark runlengths from target values (Fig. 4 show different mark with different runlength); a confirming device for confirming modulation amounts of writing parameters (Fig.

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6); and a modulating device for modulating the values of said writing parameters including simultaneously optimizing parameters of a plurality of laser pulses including power levels or duration of the plurality of laser pulses to make the mark runlengths reach the target values (Column 5, lines 34-47) , and power to adjust back edges of marks written on an optical disc so that the mark runlengths are closer to the target values (Column 5, lines 48-58 to Column 6, lines 1-6). However, Yanagawa does not disclose the power levels including writing power, erasing power, and cooling power.

In the same field of endeavor, AAPA discloses runlength of 3T, 4T and 5T marks with erasing, writing, and cooling power (Paragraphs [0007]-[0013]). At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the device of Yanagawa to have a erasing, writing, and cooling power as suggested by AAPA. The motivation would have been determined the condition optical disc with driver (Paragraph [0015]).

In regards to claim 2, Yanagawa discloses the device according to claim 1, further comprising a judging device for judging whether it is necessary to optimize (Fig. 3, step 612).

In regards to claim 4, Yanagawa discloses the method according to claim 3, wherein the act (b) comprises the acts of: (b1) confirming the variation amounts of the physical mark lengths based on the relationship between the variation amounts of the mark runlengths and the variation amounts of the physical mark lengths (Fig. 5); (b2) confirming the modulation amounts of the writing parameters based on the relationship between the variation amounts of the physical mark lengths and the modulation amounts of the writing parameters (Fig. 6, delays the recording

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pulses).

In regards to claim 5, Yanagawa discloses the method according to claim 4, wherein the relationship between the variation amounts of the mark runlengths and the variation amounts of the physical mark lengths in act (b1): an influence relationship of the variation amounts of the physical mark lengths on the variation amounts of the mark runlengths (Fig. 5 and Column 5, lines 20-35).

In regards to claim 6, Yanagawa discloses the method according to claim 5, wherein the influence relationship between the variation amounts of the physical mark lengths on the variation amounts of the mark runlengths comprising: the relationships between the variation amounts of the physical mark lengths and the variation amounts of the mark runlengths (Fig. 5), as well as the characterization amounts of the influence degrees of the variation amounts of the physical mark lengths on the variation amounts of the mark runlengths (Column 5, lines 2-47).

In regards to claim 7, Yanagawa discloses the method according to claim 6, wherein said characterization amounts of the influence degrees including: the influence coefficients of the variation amounts of the physical mark lengths on the variation amounts of the mark runlengths (Fig. 5).

In regards to claim 12, Yanagawa discloses the method according to claim 3, further comprising a step: writing a random data on said optical disc (Figs. 2, PCA is able to write

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random data for testing).

In regards to claim 16, Yanagawa discloses the method according to claim 3, wherein said writing parameters comprise the starting time and the stopping time of the laser pulses (Fig. 6).

In regards to claim 17, Yanagawa does not but AAPA discloses the method according to claim 3, wherein the square-shaped writing strategy, "dog frame" wave-shaped writing strategy, "1T writing strategy" or "2T writing strategy" are adopted for said optical disc-writing (Paragraph [0006]). The motivation is the same as claim 1 above.

In regards to claim 13, Yanagawa discloses the method according to claim 3, further comprising: the act of comparing the variation amounts of each mark runlength with the predetermined optimization aim, to confirm if the continued optimization is needed (Fig.3, step 612).

In regards to claim 14, Yanagawa discloses the method, further comprising a step: the act of confirming the current parameter value as the parameter value which will be written to optical disc when the continued optimization is not needed (Fig. 3, after the step 612 of comparing it goes to step 613 to store the optimization and further increase fine pulses and compared steps 614/615 and no further optimization is required step 617).

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Allowable Subject Matter

Claims 9-11 are allowed.

In regards to claim 9-11 are allowed for the same reason as presented in the last office action.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH T. NGUYEN whose telephone number is (571)272-5513.

The examiner can normally be reached on 10:00am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
January 26, 2009

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627